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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,344	09/25/2001	Ghislain Lete	214174US2	5880
22850	7590	09/21/2005		EXAMINER
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			ROBERTS, BRIAN S	
			ART UNIT	PAPER NUMBER
			2662	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/961,344	Applicant(s) LETE, GHISLAIN
	Examiner Brian Roberts	Art Unit 2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.

- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.

- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 20 August 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 11-26 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 11-26 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 25 September 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date _____ 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____
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DETAILED ACTION

- Applicant's Amendment filed 8/30/2005 is acknowledged.
- Claims 1-10 have been cancelled.
- Claims 11-26 remain pending.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 25 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- In reference to claim 25

Claim 25 recites the limitation "said main station". There is insufficient antecedent basis for this limitation in the claim.

- In reference to claim 26

Claim 26 recites the limitation "the station". There is insufficient antecedent basis for this limitation in the claim. It is unclear what station in claim 20 "the station" is referring to.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11-15, 18-22, and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suonvieri (US 6718158) in view of Sounvieri (US 6571284).

- In reference to claims 11,18,19, 20, and 24

In Figure 1 and 2, Suonvieri (US 6718158) teaches a communications system and method comprising:

- Associating an O&M (dummy station) to a BSC (group), the O&M comprising of different resources allocated to the BTSSs (stations) (column 3 lines 2-7) (column 3-4 lines 62-3)
- A network management system tuning (setting-up) (column 3 lines 1-7) a repeater (relay) configured to inherently keep communications and via sending an alarm to restore communications involving the Mobile Stations (mobile terminals), the BTSSs, and BSCs
- Reallocate resources of the O&M (dummy station) to the repeater (relay stations) (column 3-4 lines 62-3)

Sounvieri (US 6718158) does not explicitly teach setting-up the relay stations or reallocating resources to the relay stations based on information from a device the determines how a group structure evolves.

In Figure 1, Sounvieri (US 6571284) teaches a network management system with a database that contains the repeater parameters for each repeater as well as the base stations each repeater is associated with. Furthermore, Sounvieri (US 6571284) teaches using the database to setup and change the settings of the repeaters.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the system and method of Suonvieri (US 6718158) to include initially setting up the repeaters and reallocating resources to the repeaters based on information from a device the determines how a group structure evolves as taught by Sounvieri (US 6571284) because it would allow the network management system to maximize the utilization of the network resources and minimize the wasting of network resources as the system parameters change.

- In reference to claims 12, 21

Suonvieri (US 6718158) further teaches an O&M (main station) for allocating and reallocating resources. (column 3 lines 2-7) (column 3-4 lines 62-3)

- In reference to claims 13, 14, 22

Suonvieri (US 6718158) further teaches a repeater (relay) with different resources (communication plan) for each BSC being used by a plurality of BSCs (groups) wherein the resources are allocated by the O&M. (column 3-4 lines 62-3) (Figure 1, Block B)

- In reference to claims 15

Suonvieri (US 6718158) further teaches a system and method where the management system may have one communications plan or settings for each BSC, and locally can change the settings for each repeater. (relay station) (column 3-4 lines 62-3) (column 5 lines 2-30)

- In reference to claims 25, 26, as best understood

Suonvieri (US 6718158) teaches an O&M for allocating resources. (column 3-4 lines 62-3)

5. Claims 16-17 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suonvieri (US 6718158) in view of Suonvieri (US 6571284), as applied to the parent claims, and further in view of Geg-Marconi Hazeltine.

- In reference to claim 16

The combination of Suonvieri teaches a system and method that covers substantially all limitations of the parent claim. In Figure 1 and 2, Suonvieri (US 6718158) further teaches the O&M reallocating resources to groups of BSCs connected to BTSs, mobile stations, and repeaters each inherently having a unique ID. (column 3-4 lines 62-3) (column 5 lines 2-30)

The combination of Suonvieri does not teach reallocating resources comprising of time reallocation steps.

Geg-Marconi Hazeltine teaches a method of Time Slot Reallocation in a TDMA system.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the system and method of Suonvieri to include the method of Time Slot Reallocation as taught by Geg-Marconi Hazeltine because it would allow the O&M to reallocate time slots to network elements with a higher priority in a TDMA system so that they could have multiple time slots and thus a greater bandwidth as compared to lower priority network elements that have fewer allocated time slots.

- In reference to claims 17, 23

The combination of Suonvieri teaches a system and method that covers substantially all limitations of the parent claim.

The combination of Suonvieri does not teach a system and method for deployments of L16 MIDS land networks.

Geg-Marconi Hazeltine teaches a L16 MIDS land network.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the system and method of Suonvieri for deployments of MIDS land network as taught by Geg-Marconi Hazeltine because MIDS provides for a secure, jamming resistant, high capacity network.

Response to Arguments

Applicant's arguments with respect to claims 11 and 20 have been considered but are moot in view of the new ground(s) of rejection.

- In the Remarks on pg. 10 of the Amendment, the Applicant contends that Suonvieri does not teach setting-up a relay station configured to keep and/or to restore communications between the at least two stations of a group.

- It is the opinion of the Examiner that the amendments fail to distinguish over Suonvieri. As stated above, Suonvieri teaches a network management system tuning (setting-up) a relay station. The relay is inherently configured to keep communications between stations when there are no alarms and, the relay via sending an alarm is configured to restore communications between the stations.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Roberts whose telephone number is (571) 272-3095. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

09/14/2005
BSR



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